

FILED: June 16, 2016

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

No. 16-1611,

NLRB v. USPS10-CA-151360,10-CA-151411,10-CA-151415,10-CA-  
151479,10-CA-151560,10-CA-151653,10-CA-162476,  
10-CA-162501

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NOTICE OF JUDGMENT

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Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

**PETITION FOR WRIT OF CERTIORARI:** To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons.

([www.supremecourt.gov](http://www.supremecourt.gov))

**VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED**

**COUNSEL:** Vouchers must be submitted within 60 days of entry of judgment or denial of rehearing, whichever is later. If counsel files a petition for certiorari, the 60-day period runs from filing the certiorari petition. (Loc. R. 46(d)). If payment is being made from CJA funds, counsel should submit the CJA 20 or CJA 30 Voucher through the CJA eVoucher system. In cases not covered by the Criminal Justice Act, counsel should submit the Assigned Counsel Voucher to the clerk's office for payment from the Attorney Admission Fund. An Assigned Counsel Voucher will be sent to counsel shortly after entry of judgment. Forms and instructions are also available from the clerk's office or from the court's web site, [www.ca4.uscourts.gov](http://www.ca4.uscourts.gov), or from the clerk's office.

**BILL OF COSTS:** A party to whom costs are allowable, who desires taxation of costs, shall file a [Bill of Costs](#) within 14 calendar days of entry of judgment. (FRAP

39, Loc. R. 39(b)).

**PETITION FOR REHEARING AND PETITION FOR REHEARING EN**

**BANC:** A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition and included in the docket entry to identify the cases to which the petition applies. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari. In consolidated criminal appeals, the filing of a petition for rehearing does not stay the mandate as to co-defendants not joining in the petition for rehearing. In consolidated civil appeals arising from the same civil action, the court's mandate will issue at the same time in all appeals.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 15 pages. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

**MANDATE:** In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable

cause for a stay. (FRAP 41, Loc. R. 41).

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No. 16-1611  
(10-CA-151360)  
(10-CA-151411)  
(10-CA-151415)  
(10-CA-151479)  
(10-CA-151560)  
(10-CA-151653)  
(10-CA-162476)  
(10-CA-162501)

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NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

UNITED STATES POSTAL SERVICE

Respondent

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J U D G M E N T

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In accordance with the decision of this court, the application for enforcement

of an order of the National Labor Relations Board is granted.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	No.
	:	
Petitioner	:	Board Case Nos.:
	:	10-CA-151360
v.	:	10-CA-151411
	:	10-CA-151415
	:	10-CA-151479
UNITED STATES POSTAL SERVICE	:	10-CA-151560
	:	10-CA-151653
Respondent	:	10-CA-162476
	:	10-CA-162501

JUDGMENT

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondent, United States Postal Service, its officers, agents, successors, and assigns, on May 23, 2016, in Board Case Nos. 10-CA-151360, 10-CA-151411, 10-CA-151415, 10-CA-151479, 10-CA-151560, 10-CA-151653, 10-CA-162476 and 10-CA-162501; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Fourth Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, United States Postal Service, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

Mandate shall issue forthwith

## NATIONAL LABOR RELATIONS BOARD

v.

## UNITED STATES POSTAL SERVICE

**ORDER**

United States Postal Service, Winston-Salem, North Carolina, its officers, agents, successors, and assigns, shall

1. Cease and desist from:

- (a) Refusing to bargain collectively and in good faith with National Association of Letter Carriers, AFL-CIO as the exclusive bargaining representative of its employees in an appropriate unit, or its affiliated local, the National Association of Letter Carriers, Branch 461, by failing and refusing to timely provide information to the Union that is relevant and necessary to the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit employees.
- (b) In any like or related manner interfering with, restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

- (a) Waive, for 30 days following issuance of the Board's Order, any contractual deadlines for filing and pursuing grievances related to the requested information, where the Union missed those deadlines due to the Respondent's delay in providing the information requested, as described in the Formal Settlement Stipulation Section V., paragraphs (5)(a), (7)(a), (9)(a), (11)(a), (13)(a), (15)(a), (17)(a), (19)(a), (21)(a), (23)(a), (25)(a), (27)(a), and (29)(a), that the Respondent refused to provide or unreasonably delayed in providing, as described in Section V., paragraphs (6), (8), (10), (12), (14), (16), (18), (20), (22), (24), (26), (28), and (30).

- (b) Upon request, timely provide the Union with information that is relevant and necessary to the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit employees.
- (c) At all of the Respondent's facilities located in Winston-Salem, North Carolina, the Respondent will maintain a log in which it will immediately record each information request tendered by the Union, orally or in writing, at that facility. These logs shall include the following information: a brief description of the information requested; the name of the individual who is making the request; the name of the supervisor who received the request; the date the request was made; and the date that the Respondent's manager or supervisor provided the Union with the requested information. If the manager or supervisor, having reviewed the documents requested, believes that the Respondent will need additional time, the manager or supervisor will inform the Union in writing, requesting additional time and explaining the need for the additional time.
- (d) Each manager and supervisor who is designated to receive union requests for information at the Respondent's facilities as described above will receive annual training which encompasses how to maintain the log, and how to tender the relevant information requested by the Union; each such supervisor and manager will sign an acknowledgment form attesting to the fact that he or she has completed this training. A copy of this acknowledgment form shall be maintained in the supervisor's or manager's training and history files. Union stewards will be granted access to the logs, upon request. Supervisors or managers who fail to reasonably supply relevant information to the Union will have this fact mentioned in the "corrective action" column of the semi-annual audit report provided to the district manager and district manager of human resources. A repeated violation could lead to discipline of the supervisor or manager.
- (e) Union stewards at the Respondent's facilities described above must be notified when the manager or supervisor who is designated to receive union requests for information at their particular facility has changed.
- (f) The Respondent's legal department or its labor relations department shall conduct semi-annual audits of the logs at each of the Respondent's facilities described above to ensure that the information requested by the



Unions is being handled in a timely and appropriate manner, and to ensure the logs are being properly maintained. Following the audit, the legal department or labor relations department shall tender, in writing, a written report that will be forwarded to the district manager and district manager of human resources.

- (g) Within 14 days of service by the Region, post at all of the Respondent's facilities located in Winston-Salem, North Carolina, copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Regional Director for Region 10, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has closed any of the facilities involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at its closed facilities at any time since April 1, 2015.
- (h) Electronically post the Notice to Employees for employees at all of its Winston-Salem, North Carolina facilities if the Respondent customarily uses electronic means such as an electronic bulletin board, email, website, or intranet to communicate with those employees.
- (i) Within 21 days after service by the Region, file with the Regional Director for Region 10 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

**APPENDIX A****NOTICE TO EMPLOYEES**

**Posted by Order of the  
National Labor Relations Board  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose representatives to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**National Association of Letter Carriers, Branch 461** (the Union) is the exclusive collective-bargaining representative of those of you in the following appropriate unit:

All full-time and regular part-time city letter carriers employed by the Employer at its Winston-Salem, North Carolina facilities, excluding all other employees, including office clerical employees, professional and confidential employees, guards and supervisors as defined in the National Labor Relations Act.

**WE WILL NOT** unreasonably delay in providing the Union with information it needs to represent you.

**WE WILL NOT** in any like or related manner interfere with your rights under the National Labor Relations Act.

**WE HAVE** provided the Union with the information it initially requested in April 2015 and again on April 15, April 23, April 28, April 30, and May 8, 2015, including clock rings for pay periods 09-2, 10-1, and 10-2.

**WE HAVE** provided the Union with the information it initially requested on April 4, 2015, including Employee Everything Reports and Hours Analysis Reports for pay periods 15-7-1, 15-7-2, 15-8-1, and 15-8-2.

**WE HAVE** provided the Union with the information it initially requested on April 9, 2015, and again on April 25, April 29, May 1, and May 2, 2015, including all denied no lunches for April 8, 2015 – April 11, 2015.

**WE HAVE** provided the Union with the information it initially requested on April 8, 2015, and again on April 11, April 15, April 18, April 20, April 22, April 24, and April 25, 2015, including clock rings.

**WE HAVE** provided the Union with the information it initially requested on April 20, 2015, and again on April 25, and April 28, 2015, including clock rings for pay periods 9-1 and 9-2.

**WE HAVE** provided the Union with the information it initially requested on April 20, 2015, and again on April 25, April 29, May 1, and May 2, 2015, including employee all clock rings for pay period 9-2 and employee all clock rings for Selena Bostic and Nakia Terry for pay period 9-2.

**WE HAVE** provided the Union with the information it initially requested on April 24, 2015, and again on April 25, April 29, May 1, and May 2, 2015, including employee all clock rings for pay period 10-1 and employee all clock rings for Bostic and Terry for pay period 10-1.

**WE HAVE** notified the Union that the information the Union initially requested on April 25, 2015, a copy of an email or fax that we sent to two employees' doctor's offices on April 22 and April 23, 2015, does not exist.

**WE HAVE** provided the Union with the information it initially requested on April 25, 2015, including 3996s, clock rings employee all, and daily schedules for pay periods 9-1, 9-2, 10-1, and 10-2.

**WE HAVE** provided the Union with the information it initially requested on September 19, 2015, and again on October 1, October 28, and October 29, 2015, including a copy of an employee's accident report and all relevant supporting documentation, a copy of an employee's on-duty driving history/record, a copy of

the accident investigation, a copy of anything in writing showing the employee's driving privileges were revoked, and a copy of a letter sent to the employee stating that driving privileges were revoked.

**WE HAVE** provided the Union with the information it initially requested on October 5, 2015, and again on October 16, 2015, including a copy of any discussion or discipline, including a letter of warning, issued to an employee for leaving a vehicle running, unsecured, and tires not curbed on October 1, 2015.

**WE HAVE** provided the Union with the information it initially requested on October 15, 2015, including a copy of James Ladd's latest Form 3999.

**WE HAVE** provided the Union with the information it initially requested on October 20, 2015, including a copy of Parminder Pal's no lunch request for October 17, 2015, and copies of all denied no lunch slips from September 1, 2015 to present.

**WE WILL** waive the time limits, for 30 days, for the Union to file any grievances related to the requested information, where the Union missed those deadlines due to our delay in providing the Union with the information it needed to represent you.

### **UNITED STATES POSTAL SERVICE**

The Board's decision can be found at [www.nlr.gov/case/10-CA-151360](http://www.nlr.gov/case/10-CA-151360) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

